

**SENATE, No. 1335**

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**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

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INTRODUCED FEBRUARY 3, 2022

**Sponsored by:**

**Senator JAMES BEACH**

**District 6 (Burlington and Camden)**

**SYNOPSIS**

Makes pilot program for special occasion events at wineries on preserved farmland permanent program.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning wineries on preserved farmland and amending  
2 P.L.2018, c.30 and P.L.2014, c.16.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 2 of P.L.2014, c.16 (C.4:1C-32.8) is amended to  
8 read as follows:

9 2. a. The State Agriculture Development Committee shall  
10 establish a **[pilot]** program permitting special occasion events to be  
11 conducted on preserved farmland at a winery provided that:

12 (1) the gross income generated by the winery from all special  
13 occasion events conducted for the calendar year together account  
14 for less than 50 percent of the annual gross income of the winery;

15 (2) the special occasion event uses the agricultural output of the  
16 winery, to the maximum extent practicable, to promote agricultural  
17 tourism and advance the agricultural or horticultural output of the  
18 winery;

19 (3) the special occasion event is conducted on a Friday,  
20 Saturday, Sunday, or federal or State holiday, except that a special  
21 occasion event may be conducted on any other day of the week with  
22 the approval of the State Agriculture Development Committee. The  
23 committee may delegate its authority in that regard to a county  
24 agriculture development board;

25 (4) the special occasion event is conducted in: (a) a temporary  
26 structure, such as an enclosed or open canopy or tent or other  
27 portable structure or facility, and any temporary structure would be  
28 put in place for only the minimum amount of time reasonably  
29 necessary to accommodate the special occasion event; (b) an  
30 existing permanent agricultural building; (c) a farm or open air  
31 pavilion; or (d) another structure used in the normal course of  
32 winery operations and activities;

33 (5) the special occasion event complies with applicable  
34 municipal ordinances, resolutions, or regulations concerning litter,  
35 solid waste, and traffic and the protection of public health and  
36 safety;

37 (6) the winery shall be subject to a site plan review and any  
38 applicable development approvals as may be required under an  
39 ordinance adopted pursuant to the "Municipal Land Use Law,"  
40 P.L.1975, c.291 (C.40:55D-1 et seq.);

41 (7) the special occasion event is subject to the noise standards  
42 set forth pursuant to the "Noise Control Act," P.L.1971, c.418  
43 (C.13:1G-1 et seq.), and the rules and regulations adopted thereto;

44 (8) the special occasion event complies with any applicable

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

**S1335 BEACH**

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1 municipal ordinance that restricts performing or playing music  
2 inside the winery's buildings and structures;

3 (9) the special occasion event ends at a specific time, if required  
4 pursuant to a curfew established by a municipal ordinance;

5 (10) the special occasion event would not knowingly result in a  
6 significant and direct negative impact to any property adjacent to  
7 the winery; and

8 (11) the winery hosting a special occasion event enforces State  
9 and federal requirements concerning the legal drinking age.

10 b. In determining the annual gross income of a winery pursuant  
11 to this section, the gross income received from any special occasion  
12 event shall include, but need not be limited to, admission fees;  
13 rental fees; setup, breakdown, and cleaning fees; and all other  
14 revenue that is not directly related to the agricultural output of the  
15 winery but is received by the winery in conjunction with conducting  
16 a special occasion event.

17 (cf: P.L.2014, c.16, s.2)

18

19 2. Section 1 of P.L.2018, c.30 (C.4:1C-32.12) is amended to  
20 read as follows:

21 1. Notwithstanding the provisions of section 6 of P.L.2014,  
22 c.16 to the contrary, sections 1 through 5 of P.L.2014, c.16 (C.4:1C-  
23 32.7 through C.4:1C-32.11) shall be and remain in effect **【for two**  
24 **years】** following the effective date of **【this act】** P.L. \_\_\_\_\_,  
25 c. (pending before the Legislature as this bill) or May 30, 2020,  
26 and, if appropriate, shall be retroactive to 【March 1, 2018】 May 30,  
27 2020.

28 (cf: P.L.2018, c.30, s.1)

29

30 3. Section 2 of P.L.2018, c.30 (C.4:1C-32.13) is amended to  
31 read as follows:

32 2. a. Each county agriculture development board shall prepare  
33 and submit to the Governor and to the Legislature, pursuant to  
34 section 2 of P.L.1991, c.164 (C.52:14-19.1), an annual report. Each  
35 annual report shall include findings that summarize the activities of  
36 wineries on preserved farmland in the county of the board's  
37 jurisdiction and make recommendations for the **【pilot】** program  
38 established pursuant to P.L.2014, c.16 (C.4:1C-32.7 et seq.).

39 b. The State Agriculture Development Committee shall prepare  
40 and submit to the Governor and to the Legislature, pursuant to  
41 section 2 of P.L.1991, c.164 (C.52:14-19.1) **【:**

42 (1) an interim report, within 30 days after the effective date of  
43 this act; and

44 (2) a final report, at least 45 days before the expiration of the  
45 pilot program established pursuant to P.L.2014, c.16 (C.4:1C-32.7  
46 et seq.) and extended pursuant to this act **】** a biennial report.

1 c. **【The interim and final reports】** Each biennial report required  
2 pursuant to subsection b. of this section shall review the  
3 implementation and operation of the **【pilot】** program established  
4 pursuant to P.L.2014, c.16 (C.4:1C-32.7 et seq.), summarize the  
5 findings and recommendations of the annual reports prepared  
6 pursuant to subsection a. of this section, and make  
7 recommendations to the Governor and Legislature to amend **【**,  
8 extend, or make permanent**】** the program.  
9 (cf: P.L.2018, c.30, s.2)

10  
11 4. Section 3 of P.L.2018, c.30 (C.4:1C-32.14) is amended to  
12 read as follows:

13 3. a. Notwithstanding any other law, or rule or regulation  
14 adopted pursuant thereto, to the contrary, the **【pilot】** program  
15 established pursuant to P.L.2014, c.16 (C.4:1C-32.7 et seq.) and  
16 extended pursuant to **【this act】** P.L.2018, c.30 (C.4:1C-32.12 et  
17 seq.) and P.L. , c. (pending before the Legislature as this bill)  
18 shall not apply to any special occasion event at a winery that is not  
19 on preserved farmland.

20 b. The State Agriculture Development Committee shall not  
21 have any authority to regulate or restrict any special occasion event  
22 conducted at a winery beyond the scope of the authority granted  
23 pursuant to P.L.2014, c.16 (C.4:1C-32.7 et seq.).  
24 (cf: P.L.2018, c.30, s.3)

25  
26 5. This act shall take effect immediately.  
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#### 29 STATEMENT

30  
31 This bill amends current law to make permanent the pilot program  
32 allowing special occasion events to be conducted at wineries on  
33 preserved farmland. The bill also revises the reporting requirement  
34 under the law to require on-going biennial reports to the Governor and  
35 the Legislature.